

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)	
)	
)	
Amendment to Part 4 of the Commission's)	PS Docket No. 15-80
Rules Concerning Disruptions to)	
Communications)	
)	
New Part 4 of the Commission's Rules)	ET Docket No. 04-35
Concerning Disruptions to Communications)	
)	
The Proposed Extension of Part 4 of the)	PS Docket No. 11-82
Commission's Rules Regarding Outage)	
Reporting to Interconnected Voice Over)	
Internet Protocol Service Providers and)	
Broadband Internet Service Providers)	

**REPLY COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these reply comments in response to the Commission's Further Notice of Proposed Rulemaking seeking input on evolving outage reporting rules to keep pace with the transition to new technologies, including broadband networks and Voice over Internet Protocol (VoIP) services.¹ NPSTC supports steps to help ensure reliability of these networks and to inform Public Safety Answering Points (PSAPS) with expeditious alerts of outages in the networks that support 9-1-1 services, regardless of the specific technologies or type of network used.

¹ Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, PS Docket No. 15-80, ET Docket No. 04-35 and PS Docket No. 11-82, released Ma 26, 2016.

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 16 organizations serve on NPSTC's Governing Board:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Council of Statewide Interoperability Coordinators
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office for Interoperability and Compatibility, and the SAFECOM Program); Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, Communications Technology Program). Also, Public Safety Europe is a liaison member. NPSTC has relationships with associate members: The Canadian Interoperability Technology Interest Group (CITIG) and the Utilities Technology Council (UTC), and affiliate members: The Alliance for Telecommunications Industry Solutions (ATIS), Open Mobile Alliance (OMA), Telecommunications Industry Association (TIA), TETRA Critical Communications Association (TCCA), and Project 25 Technology Interest Group (PTIG).

Background

The Report and Order in the above-referenced proceeding updates the rules surrounding outage reporting related to legacy communications networks. The rule updates include revised thresholds that trigger outage reporting requirements and adoption of a standardized method to calculate the users potentially affected by an outage. The rules adopted in the Report and Order also clarify that “when an outage occurs that affects only some 911 calling centers or public safety answering points (PSAPs) served by a mobile switching center, wireless providers may utilize their own identifiable scheme to allocate the number of potentially affected users so long as the allocation reflects the relative size of the affected PSAP(s).”² The Commission also concluded in the Report and Order that direct access to the Commission’s web-based Network

² Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration Executive Summary at paragraph 4.

Outage Reporting System (NORS) by state and federal partners is in the public interest. It directed the Public Safety and Homeland Security Bureau to study how best to maintain security and confidentiality of sensitive information and develop recommendations for the successful sharing of the outage reporting information.

As a follow-on to these decisions, the Further Notice of Proposed Rulemaking (Further NPRM) seeks comments on updating Part 4 of the rules to address disruptions and outage reporting for broadband networks, including VoIP disruptions that stem from network performance degradation or failures in the radio access network. The Further NPRM also addresses geography-based reporting of wireless outages in rural areas and refinements to the rules for covered critical communications at airports subject to outage reporting.

NPSTC Comments

State and local entities and their representatives who commented in this proceeding generally support the extension of outage reporting requirements to broadband network and VoIP providers as those providers increasingly form a critical foundation for the public to access 911 and for PSAP operations. For example, the National Association of State 911 Administrators advised the following in its comments:

The Commission seeks comments on whether there is significant value in collecting data on outages and disruptions to commercial broadband service providers. Yes, there is significant value, and that value will only increase over time. NASNA completely agrees that the adoption of updated broadband outage reporting requirements would help the Commission.

As the NPRM noted, broadband networks provide an ever-expanding portion of our nation's emergency and non-emergency communications. With that has come an increase in highly-disruptive outages, including outages impacting 911.³

³ Comments of the National Association of State 911 Administrators (NASNA) at page 2.

As witnessed in filings in multiple proceedings at the Commission over the past five years, public access to 911 increasingly relies on commercial wireless networks in addition to the traditional access through legacy telephone networks. When a member of the public needs to reach 911, the type of network being used is irrelevant--the call, text or other type of contact needs to go through. Also, from the end user perspective, the technology being used, whether wireline, Broadband Internet Access Service (BIAS), VoIP or wireless 2G, 3G, 4G, or emerging 5G does not matter at that point in time. The end user just needs to reach the PSAP quickly and reliably so the appropriate fire, EMS or law enforcement resources can be dispatched to respond to his or her needs.

Accordingly, NPSTC believes any outage reporting requirements should apply regardless of the technology used or the regulatory classification of the commercial service provider. The specific definitions and rule requirements will need to be designed to encompass multiple technologies and types of providers. However, the primary goals should be the same: 1) maximizing the reliability of the networks involved; and 2) expeditious alerting and awareness for PSAPs when a problem does occur.

Outage reporting to the Commission should provide added incentives for service providers to ensure network reliability to the greatest extent possible. However, Commission enforcement actions need to be balanced so both the goals of network reliability and expeditious awareness of outages by PSAPS can be met.

In its comments, the Boulder Regional Emergency Telephone Service Authority (BRETSA) observed that outage reporting to the Commission does not necessarily result in expeditious awareness for PSAPS:

PSAPs need to be advised first when an outage occurs, because PSAPs and the First Responder agencies they dispatch are the governmental entities which are in a position to take remedial action pending restoration of service. PSAPs need to be advised of outages, and have the option of implementing remedial measures, for outages much smaller than the 900,000-minute outages reportable under the Commission threshold, yet at least wireless and VoIP providers object reporting thresholds other than that adopted by the Commission and argue it preempts or precludes reporting requirements with more realistic thresholds.

Responsible *state* authorities also need to be notified of outages affecting the public's ability to reach 9-1-1 on an expeditious basis, second only to the affected PSAPs.⁴

As noted above, the Commission concluded in the Report and Order that direct access to the Commission's web-based Network Outage Reporting System (NORS) by state and federal partners is in the public interest. However, PSAPS are normally local or regional entities. NPSTC believes additional work needs to be done to provide PSAPS with the information needed regarding outages when they do occur. For example, a determination is needed whether outage information can be automatically routed from state authorities to the relevant PSAPS or whether PSAPS need direct access to any outage reporting. NPSTC believes this issue should be considered as the Public Safety and Homeland Security Bureau pursues the study the Commission directed in the Report and Order on how best to maintain security and confidentiality of sensitive information and develop recommendations for the successful sharing of the outage reporting information.

⁴ Comments of the Boulder Regional Emergency Telephone Service Authority (BRETSA), at page 2.

Conclusion

NPSTC appreciates the Commission's attention to network reliability issues. Members of the public who contact the PSAPS and the PSAPS which initiate responses both rely on the proper operation of commercial networks. Therefore NPSTC supports outage reporting requirements and recommends that these requirements be applied equivalently, regardless of technology or the regulatory classification of the commercial provider. When a member of the public needs to reach 911, the type of network or the technology being used are irrelevant--the call, text or other type of contact simply needs to go through.

From a NPSTC perspective, the primary goals for outage reporting should be:

1) maximizing the reliability of the networks involved; and 2) expeditious alerting and awareness for PSAPs when a problem does occur. The rules and policies should be geared toward these primary goals. Outage reporting should provide some added incentive to ensure reliable networks. As the Public Safety and Homeland Security Bureau pursues the study the Commission directed in the Report and Order on how best to maintain security and confidentiality of sensitive information and develop recommendations for the successful sharing of the outage reporting information, it needs to consider how best to ensure expeditious alerting of network outages for PSAPs.⁵ Such alerting helps enable the PSAP to take any possible remedial actions pending full restoration of the network services experiencing the outage.

⁵ Various subsections of Section 4.9 of the Commission's rules include requirements for providers to notify designated officials of a 911 facility affected by an outage. The need for providers to notify 911 centers and PSAPs expeditiously with needed outage information should be a very high priority. If/when the Commission makes further modifications to the outage reporting rules.

Ralph A. Haller, Chairman

A handwritten signature in dark ink, appearing to read "Ralph A. Haller", with a long, sweeping horizontal line extending to the right.

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